RETURN

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To an ADDRESS of the HOUSE OF COMMONS, dated the 11th May, 1903, for copies of all Orders in Council, memorials, letters, telegrams and other correspondence, and all other documents and communications in writing, between the first day of January, 1897, and the first day of May, 1903, relating to, or concerning, or in any way having reference to the granting of provincial autonomy to the North-west Territories, or the creation of the said Territories into a province or provinces.

R. W. SCOTT,
Secretary of State.

GOVERNMENT HOUSE,
REGINA, April 24, 1903.

The Honourable
The Secretary of State,
Ottawa,

I have the honour to forward herewith for transmission to His Excellency the Governor General the inclosed Address to His Excellency from the Legislative Assembly of the North-west Territories upon the present constitutional and financial condition of the North-west Territories.

A. E. FORGET,
Lieutenant-Governor.

To His Excellency the Right Honourable Sir Gilbert John Elliot, Earl of Minto and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :

We, His Majesty's dutiful and loyal subjects, the Legislative Assembly of the North-west Territoiries of Canada, in session assembled, humbly approach Your Excellency for the purpose of representing :—

That by an Address dated on the second day of May, in the year one thousand nine hundred, a copy of which is attached hereto, the Legislative Assembly pointed out that repeated representations had been made, in various ways, to the Government of Canada with a view to obtaining just and equitable assistance towards providing for the proper and effective administration of affairs in these Territories and for the public

necessities of their rapidly increasing population, and that such representations had been met by intermittent and insufficient additions to the annual grant, the provision so made by the Parliament of Canada never bearing any adequate proportion to the financial obligations imposed by the enlargement and development of the political institutions created by itself ;

That by the said Address the Legislative Assembly humbly prayed that Your Excellency would be graciously pleased to cause an inquiry to be made into the position of the Territories, financial and otherwise, and to cause such action to be taken as would provide for their present and immediate welfare and good government, as well as the due fulfilment of the duties and obligations of government and legislation assumed with respect to these Territories by the Parliament of Canada, and it was furthermore humbly prayed that Your Excellency would also be graciously pleased to order inquiries to be made and accounts taken with a view to the settlement of the terms and conditions upon which the Territories, or any part thereof, should be established as a province ;

That since the passing of the said Address, further representations have been made in various ways to Your Excellency's Government with regard to the financial and constitutional position of the Territories ;

That during the past three years the immediate necessities of the Territories have been vastly increased by a remarkable immigration movement, which is still going on ;

That no adequate response has been made to the repeated requests for the financial assistance necessary for ' the proper and effective administration of the affairs of these Territories and for the public necessities of their rapidly increasing population ' ;

That the Legislative Assembly, representing as it does the unanimous opinion of the people of the Territories, believes that nothing short of that system of government enjoyed by our fellow-citizens in the provinces will afford a solution of the legislative and financial difficulties which confront it ;

Therefore, we do humbly pray that Your Excellency will cause such action to be taken as will provide for the present and immediate financial necessities of the Territories, and will further provide for the establishment of provincial institutions in the Territories upon fair and just terms analogous to those upon which the old provinces have been dealt with ;

All which we humbly pray Your Excellency to take into Your Excellencys gracious and favourable consideration.

A. B. GILLIS,

Speaker of the Legislative Assembly of the North-west Territories.

Legislative Assembly Chambers,
Regina, N.W.T., April 24, 1903.

To His Excellency the Right Honourable Sir Gilbert John Elliot Murray-Kynnynmond, Earl of Minto, and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburg, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the North-west Territories of Canada, in session assembled, humbly approach Your Excellency for the purpose of representing—

That by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's

Most Honourable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed and as the Queen should think fit to approve subject to the provisions of the said Act ;

That by an Address from the Houses of the Parliament of Canada Her Majesty was prayed to unite Rupert's Land and the North-western Territory with the Dominion of Canada ;

That in order to further the petition of the Parliament of Canada, Her Majesty, under the authority of the Rupert's Land Act, 1868, accepted a surrender from the Governor and Company of Adventurers of England, trading into Hudson's Bay, of all the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever granted or purported to be granted by certain Letters Patent, therein recited, to the said company in Rupert's Land ;

That in the said Address it was represented to Her Majesty, as a reason for the extension of the Dominion of Canada westward, that the welfare of the population of these Territories would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which existed in the several Povinces then forming the Dominion.

That the Houses of the Parliament of Canada by their said Address expressed to Her Majesty their willingness to asume the duties and obligations of government and legislation as regards these Territories.

That in pursuance and exercise of the powers vested in the Queen by the aforesaid Acts, Her Majesty, by and with the advice of Her Most Honourable Privy Council, ordered and declared that from and after the fifteenth day of July, 1870, Rupert's Land and the North-western Territory should be admitted into and become part of the Dominion of Canada, and granted power and authority to the Parliament of Canada to legislate for the future welfare and good government of these Territories ;

That by the British North America Act, 1871, the Parliament of Canada was further given power from time to time to make provision for the administration, peace, order and good government of any Territory not for the time being included in any Province ;

That under the several authorities so given the Parliament of Canada has created political institutions in these Territories bearing a close analogy to those which exist in the several provinces of the Dominion ;

That by the Confederation compact the provinces which formed the Dominion on the fifteenth day of July, 1870, were furnished with the means of carrying on local self government upon certain well defined bases ;

That the Territories being an integral part of the Dominion, and having had imposed upon them the duties and obligations incidental to the political institutions which have been given to them, and which said duties and obligations the Parliament of Canada has declared its willingness to assume, are entitled to such federal assistance for their maintenance as will bear due proportion and analogy to that given to other portions of the Dominion for similar purposes ;

That repeated representations have been made in various ways to the Government of Canada with a view to obtaining just and equitable financial assistance towards providing for the proper and effective administration of local affairs in the Territories, and for the public necessities of their rapidly increasing population ;

That such representations have been met by intermittent and insufficent additions to the annual grant, the provision so made by the Parliament of Canada never bearing any adequate proportion to the financial obligations imposed by the enlargement and development of the political institutions created by itself ;

That it is desirable that a basis should be established upon which the claims of the Territories to suitable financial recognition may be settled and agreed upon ;

That we do therefore most humbly pray that Your Excellency will be graciously pleased to cause the fullest enquiry to be made into the position of the Territories, financial and otherwise, and to cause such action to be taken as will provide for their present and immediate welfare and good government, as well as the due fulfillment of the duties and obligations of government and legislation, assumed, with respect to these Territories, by the Parliament of Canada ;

And furthermore that, by the British North America Act, 1871, it was (amongst other things) enacted that the Parliament of Canada may from time to time establish new Provinces in any Territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of * * * such province, we do therefore most humbly pray that Your Excellency will be also graciously pleased to order enquiries to be made and accounts taken with a view to the settlement of the terms and conditions upon which the Territories or any part thereof shall be established as a province, and that, before any such province is established, opportunity should be given to the people of the Territories, through their accredited representatives, of considering and discussing such terms and conditions.

All which we humbly pray Your Excellency to take into Your Excellency's most gracious and favourable consideration.

WM. EAKIN,
Speaker of the Legislative Assembly
of the North-west Territories.

Legislative Assembly Chambers,
Regina, N.W.T., May 2, 1900.

GRENFELL BOARD OF TRADE,
GRENFELL, N.W.T., March 24, 1903.

The Honourable Sir Wilfrid Laurier,
Dominion Premier.

At a meeting of the Grenfell Board of Trade, held on March the 23rd, it was unanimously resolved, that in the opinion of the Grenfell Board of Trade, the time has fully come that calls for this portion of the Dominion of Canada, known as the North-west Territories, to be erected into a province, with all provincial rights and privileges. The great numbers of settlers pouring into the Territories from all parts of the world, the greatly increased demands for money for roads, bridges and public works, as well as schools, most strongly impress themselves upon the board that the only successful way to cope with and meet our ever-increasing obligations, is by having the power to deal with all the vast requirements of this portion of western Canada from the standpoint of a province.

The Board of Trade is fully aware that this matter has already been brought before the notice of the Dominion Government, and the board would therefore urge, in the strongest possible terms, that this question of provincial autonomy be given their serious consideration at an early date, so as to enable this part of the Dominion to sucessfufully grapple with the enormous increase of population and prosperity that demands enlarged conditions of legislation and finance.

JOHN WALKER,
Secretary.

SESSIONAL PAPER No. 116

HOUSE OF COMMONS,
OTTAWA, April 14, 1903.

Right Hon. Sir WILFRID LAURIER,
Ottawa,

I inclose you a resolution from the Prince Albert Board of Trade, with reference to the question of the erection of the Territories into provinces.

Yours respectfully,
THOS. O. DAVIS.

Resolved by the Prince Albert Board of Trade, that in the opinion of this board the time has now fully arrived when action should be taken towards the erection of this portion of the Dominion of Canada, known as the North-west Territories, into provinces, each of these with all provincial rights and privileges. The enormous number of settlers pouring into the Saskatchewan District, not only from other parts of Canada, but virtually from all over the world, necessitates largely augmented grants for the improvement of roads, building of bridges and for public works, schools, &c. Our board feel fully convinced that the only way by which we can meet our yearly increasing indebtedness, is by having the power in our own hands to deal with the matter.

The Board of Trade, while cognizant of the fact that this matter has previously been brought to the attention of the Government, feel that this is a most opportune time to urge that the matter should be taken up at once, as we feel assured that the present and future prosperity of this large and important part of the Dominion of Canada largely depends upon our request being acceded to.

BOARD OF TRADE,
LETHBRIDGE, N.W.T., April 9, 1903.

The Honourable the Prime Minister,
Ottawa.

Enclosed you will find a copy of a resolution respecting provincial autonomy passed at a recent meeting of the Lethbridge Board of Trade.

C. B. BOWMAN,
Secretary.

COPY of a resolution adopted by the Lethbridge Board of Trade at a meeting held on the eighth day of April, A.D. 1903.

Resolved, That this board endorse the stand taken by the North-west Government in regard to the granting of provincial autonomy to the Territories, and are strongly in favour of such autonomy being granted on the terms formulated and demanded by the Honourable Mr. Haultain, and that copies of this resolution be forwarded to the Honourable the Prime Minister and the Minister of the Interior.

Certified a true copy,

C. B. BOWMAN,
Secretary.

NORTH-WEST TERRITORIES, CANADA,
EXECUTIVE COUNCIL,
REGINA, February 3, 1903.

The Right Honourable
Sir WILFRID LAURIER, G.C.M.G.,
President of the Privy Council,
Ottawa.

I have the honour to enclose a memorandum supplementary to the printed statement submitted to you on December 7, 1901, relating to the establishment of provincial institutions in the North-west Territories.

The large immigration of the year just closed, together with the prospect of a still larger immigration in the present year and years to follow, make it necessary for me to change some of the figures in the printed statement referred to.

The memorandum will refer by number to the scctions in the draft Bill submitted in the printed statement, and may be considered as supplementary to, or amending, the explanatory memorandum appended to each section of the draft.

I might say with regard to the financial clauses of the draft Bill that they are based, of course, upon the law and the practice prevailing at the present time. Should the demands made by the Inter-provincial Conference be acceded to by your government, our subsidies would presumably be paid upon the same basis.

F. W. G. HAULTAIN.

NORTH-WEST TERRITORIES, CANADA,
EXECUTIVE COUNCIL,
Regina, February 3, 1903.

Memorandum :

Section 4.—In the printed statement a request for an initial parliamentary representation of ten (10) based upon expectation of population, is made.

The immigration for the past two years, as shown by the reports of the Department of the Interior, added to the population as shown by the last census, would give us a present population of 250,000 ; that means that we are at the present moment entitled to a representation of ten (10) members in the House of Commons.

The estimated increase for the present year of 100,000 would entitle us to four (4) additional members by the end of the year, or, as the immigration season closes in the early summer, it would be fair to say that before Parliament prorogues the Territories will be entitled, on actual population, to a representation of fourteen members.

As there is every indication that the movement of population into the Territories will continue in larger proportions for some years to come, it is fair to presume that long before the next census is taken our representation in Parliament will be very much less, proportionately to population, than that of any other portion of Canada.

A very conservative estimate for the year 1904, and the years following to the date of the next census would be an increase of 250,000, which would mean a population of not less than 600,000 at the end of the year 1910. Estimating that these figures are based upon reasonable expectations, we should be granted a representation of not less than twenty (20) until the next census is taken, after which, of course, the provisions of the British North America Act would govern.

Section 22.—The amounts mentioned in Clause (b) of this section should be changed as follows :—

The per capita allowance at the rate of eighty cents (80 cents) should be paid on an initial population of 400,000, estimated on the figures set forth in the supplementary note to section 4.

Section 23.—As the legislation creating the new province cannot reasonably be expected to come into effect until the latter part of the present year, the debt allowance should be paid upon an initial population of 350,000, based upon expectations already mentioned.

NORTH-WEST TERRITORIES, CANADA,
OFFICE OF THE ATTORNEY GENERAL,
REGINA, December 7, 1901.

The Right Honourable Sir WILFRID LAURIER, G.C.M.G.,
President of the Council,
Ottawa, Ont.

In response to the request made by the sub-committee of the Privy Council, convened to consider the matters referred to in the Address to His Excellency the Governor General in Council, presented by the Legislative Assembly of the Territories, pursuant to resolutions adopted on the 2nd of May, 1900 (a copy of which is attached hereto), I have the honour to submit, on behalf of the Government of the Territories, the following statement of the present position as it appears to us, together with such remarks as seem to be necessary to properly set forth the reasons which led the Assembly to request that enquiries be made and accounts be taken with a view to the establishment of provincial institutions within that portion of the North-west Territories lying between the provinces of Manitoba and British Columbia.

For a number of years back the attention of the Dominion Government has annually been directed to the necessities, financial and otherwise, of the Territories, in the estimates submitted through the Honourable the Minister of the Interior. Occasion has always been taken to set forth, as briefly as possible, but necessarily with some considerable detail, the difficulties met with in the administration of affairs in the Territories. The documents submitted, I understand, were presented to Parliament during its last session, so that their tenor will no doubt be familiar to you, and it will not be required that the matters they dealt with shall be repeated here. Put in the briefest possible form, the position is simply this : The population of the Territories has been and is increasing so rapidly as the result of the efforts put forth by the Immigration Branch of the Interior Department, that the means at the command of the Territorial Government are far from being sufficient to enable it to properly administer the affairs of the country. The increase in the population has increased our work and expenditures by a rate far greater than can be measured by the mere increase in the number of the people. Immigration in other parts of the Dominion has resulted largely in adding only to the population in settlements and towns previously in existence ; in the Territories it is not so. New settlers in the North-west seem desirous to pass by the settlements already opened up, and to become pioneers in districts removed as far away as practicable therefrom. The new settlements are too small and the settlers are too widely scattered to bear the burdens which necessarily go with the opening up of a new country, and the fact cannot be disguised that they must be assisted to do so if the people are to become contented and prosperous, or even retained in the country. Bridges or ferries must be provided where it is necessary to cross rivers to reach market points. Where difficulty is met with in procuring an adequate water supply, the government has found it necessary to procure and operate machinery at considerable expense in order to sink public wells, or, as has been found practicable in some districts, to construct reservoirs in valleys or other natural depressions in order to conserve the surface water for the use of stock, and even, in some instances, for domestic purposes. Wherever water courses run in the Territories, the valleys are deep, the banks being often precipitous. These have the effect of rendering the ordinary road allowances, as laid down by the Dominion lands system of survey, impossible. They cannot be travelled and new roadways have to be provided, generally at consider-

able expense for right of way and construction. These are but a few of the difficulties which the government of the Territories is called upon to find a means of ameliorating. There are others which it would appear to be needless to take up your valuable time by enumerating in detail, as it may be said they are all of the same character, being hindrances and drawbacks to the settlement of the country. In the older settled districts other difficulties arise. Where the people have advanced beyond the pioneer stage they often find themselves handicapped for lack of proper transportation facilities in order to place their produce upon their markets. Roads may be made, but when grain and dairy produce have to be hauled twenty, thirty and at times a greater number of miles in order to reach a market or shipping point, no matter how good the road may be, the return for the farmer's labour and use of his capital will show a tendency to pass the vanishing point.

It is thought that sufficient has been said to indicate to you the position in which the Government of the Territories finds itself. In addition to the work of administration which devolves upon all governments, there is a constant—and hitherto, it must be admitted, lamentably ineffectual—struggle to keep pace with the work, caused by the rapid development of the country by reason of the great increase in the population. It may be thought that the people ought to do this work for themselves, as to them will accrue the benefits, but whilst I am disposed to agree to the general proposition that, under ordinary conditions, the question of the provision of what may be called local public improvements is a matter of purely local and sectional concern, yet I am confident that you will readily recognize that the conditions at present existing in the Territories are far removed from being ordinary. After the subsidence of the first movement of people into the Territories consequent upon the completion of the Canadian Pacific Railway, the influx of population for a number of years did not proceed at the rate so noticeable of late, and no very great difficulties were met with in dealing with the conditions as they then existed. With the means provided in those days, the Government was in an infinitely better position than is the case now, notwithstanding the fact that the grants made by Parliament for government in the Territories have been materially increased upon the representations made to the Dominion Government from time to time. The public necessities are not created so much by the mere fact that thirty, forty or even fifty thousand people may be added to the population in any one year ; but rather to the certainty that nearly every small group of new settlers, united by any tie whatever, means practically the opening up of a new settlement. We have no congested communities in the Territories. In some districts the land available for homestead purposes has practically all been taken up, but they are very few in number and extremely limited in area, and there is no evidence of any disposition amongst the people now coming to us to locate in districts already settled. I do not desire to press this point unduly, and I think that it will be made abundantly clear by a brief consideration of the following statement respecting the number of school districts and the annual increase during the past few years :—

From the date of the passage of the School Ordinance in 1884 to the end of 1896, school districts were organized to the number of 436.

At the end of 1897 there were 457—an increase of 21.

At the end of 1898, there were 480—an increase of 23.

At the end of 1899, there were 524—an increase of 44.

At the end of 1900, there were 576—an increase of 52.

At the present time, besides 35 districts in process of erection, there are 649—an increase of 73.

These figures give some idea of the number of new settlements that have been opened up within the past five years, though it is not intended to convey the impression that the school districts represent all the settlements in the country, as there are a number, mostly opened up but recently, where the pressure of the struggle for mere existence has prevented any attempt being made to establish schools, notwithstanding the efforts of the local Government in that direction.

I have spoken of the number of the settlements in the Territories ,and, as I have said, these are not only small for the greater part and far removed from the other, but the people themselves are scattered widely.

In very few districts have the people begun to emerge from what may be referred to as the pioneer form of existence, and the creation of anything but the simplest and most elementary organization amongst them is impracticable. We have, however, succeeded in bringing such organizations into existence, notably in our school districts and local improvement districts. Through their means we have been enabled to call upon the people for all that it is possible to expect of them. Further additions to the public taxation might possibly be made, but good and sufficient reasons exist why they should not. In the first place, it would be calculated to militate against the work of the Dominion Government in seeking to induce people from other lands to come and settle down amongst us. After all is done and said, the real and most successful immigration agent is the contented settler, and a heavy rate of taxation, no matter how necessary, is not calculated to satisfy the man who is struggling to make a home in this undeveloped country. Then, again, to require the people of the Territories to carry on the work of opening up and developing the country would not be to treat the early settlers in the North-west in the manner in which the people of the older provinces have been treated. I need hardly remind you that on the completion of the confederation of the Provinces of Upper and Lower Canada, Nova Scotia and New Brunswick, thte new Dominion immediately found itself in the possession of a debt amounting to $93,000,000, of which sum only about $17,000,000 could be shown to be represented by assets in any form or at any value whatever. It would be difficult at this date to state with any degree of certainty in what manner and for what purposes the provinces originally forming the confederation had created the debts they transferred to the Dominion, but I can refer you to the statement of Mr. (afterwards Sir) Alexander Galt, the Finance Minister in the last government of the old Province of Canada, made in his speech upon the discussion of the Quebec resolutions. Mr. Galt, in presenting the financial aspect of the Confederation question to the House, said :—

'It is necessary for us to review the liabilities of each province, the reasons why they were incurred, the objects which have been sought. In doing so, the House will not fail to remark that the same policy has animated the legislatures of all the provinces, or perhaps I should speak more exactly in saying those of Canada, New Brunswick and Nova Scotia. The public debt of all these provinces has, with some slight exceptions, been incurred for public improvements, intended to develop the resources of the country, to attract immigration and wealth to their respective shores, to cheapen the means whereby the products of their farms were to be taken to market, and to reduce the cost of freight of articles which enter largely into the consumption of their inhabitants.'

This statement appears to have passed without contradiction, and it may therefore be accepted that some considerable portion of the net debt of Canada on July 1, 1867, amounting to $75,728,641, had been created by expenditures for the purposes described by Mr. Galt. This debt is still unpaid, and its cost is borne by every person in Canada who contributes in any form to the revenue of the Dominion, whether he resides within the boundaries of the provinces for whose benefit the money borrowed was expended or elsewhere. These provincial debts, too, it must not be forgotten, represent expenditures made over and above the expenditures rendered possible by the public revenues. You will, I trust, pardon me if I press your attention to the different manner in which the Dominion looks upon the development of the North-west. All our public revenues go to swell the Consolidated Fund of Canada, our public domain is exploited for purely federal purposes, and we are not permitted to draw on the future. Our revenues are rigidly, limited for all practical purposes, by the grants annually made by Parliament for 'Government of the North-west Territories,' and we are not even entrusted with the expenditure of the whole amount of that sum. The grants made have never been considered from the view point of the requirements of

the Territories. Carefully and economically prepared estimates of the cost of public requirements have been annually forwarded to Ottawa, but provision has never yet been made for the actual and crying necessities of the country. Last January we asked for a grant of $600,000, based upon closely considered details. Parliament met the request by appropriating the sum of $357,979 to meet the case. As a result, from one end of the country to the other, complaints are rife as to lack of transportation facilities—roads, bridges, ferries, drains, and other similar necessities—to permit not only old settlers to travel, but to enable new settlers, brought into the country by Dominion officials, to reach the locations to which their attention had been directed and which had been selected for their future homes. Expenditures, and large expenditures, too, are as urgently and imperatively required in the North-west to-day for 'public improvements,' 'to develop the resources of the country,' 'to attract immigration,' without speaking of 'wealth,' 'to cheapen the means whereby the products of the farm are to be taken to market,' as they ever were in the old Provinces of Canada, Nova Scotia or New Brunswick, and it does not seem at all inappropriate, in view of the circumstances, that Canada should provide the money for those purposes, for it is Canada at large, and not the North-west in particular, that will most benefit by the attraction of desirable immigrants to the country.

One other objection to the introduction of a sufficiently heavy rate of taxation to meet the general public requirements is found in the fact that the cost of a large number of public works we are now constructing should properly be chargeable to capital expenditure. As we have no capital account, having no power or authority to utilize the public credit in any way, we are compelled to devote an unreasonably large part of our limited annual income towards defraying the cost of such works, instead of spreading the expenditure over a term of years.

You will at once perceive that it would be an undoubted hardship upon the people who are now here were they required to tax themselves for the cost of such works. They would not only be compelled to bear the cost of rendering the country habitable for themselves, but at the same time to develop it for the benefit of those who are yet to come, instead of being enabled to place part of the cost upon those who will benefit by the results of the expenditure. Besides, such works not only serve the purpose of providing public conveniences and improvements, but every dollar spent upon them enhances the value of the lands held for various corporations by the Dominion Government, and which do little or nothing to assist in the work. This is felt to be a public grievance, but is one which, I am glad to learn, the Government is making an earnest endeavour to remove as far as it is at present practicable.

Our financial difficulties, though the most serious which we have to meet, are not the only ones, nor are they more pressing or important in their bearing than others to which I have the honour to direct your attention. I will be brief in doing so, though I have no desire to minimize their importance. They might, for the purposes of consideration, be divided into two classes, those, namely, which relate to our administrative work and those others which relate to our legislation, but having pointed out that possible distinction, I do not think it will be necessary to deal with the questions involved in detail. The North-west Territorial Act, by which our constitutional powers are defined, derives its authority from that section of the British North America Act, 1871, which gives to the Parliament of Canada power to make provision for the 'administration, peace, order and good government' of the Territories. Under that authority, from time to time step by step, power by power, and in keeping with the spirit of the representations made to her late Majesty by Parliament when the intervention of the Imperial authorities was sought in order to have Rupert's Land brought into the Dominion, Parliament has built up in the Territories 'political institutions bearing analogy, as far as the circumstances' probably admitted, to those which existed in the several provinces forming the Dominion in 1867. Section 92 of the British North America Act, 1867, and section 13 of the North-west Territories Act, as it has been amended from time to time, run along almost identical lines, but there are omis-

sions in and additions to the North-west Territories Act which for many purposes render futile the powers which it professes to give ; I might instance the power given to the Assembly by the Act to pass Ordinances with respect to 'property and civil rights.' In the face of the enactment by Parliament of the Land Titles Act, 1894, it will be realized that with respect to land, which forms by far the most visible form of 'property in the North-west,' the Legislative Assembly is powerless. With respect to the administrative duties created by our territorial position, I will do no more than refer to the fact that public necessities and the exigencies of the case have required us to practically duplicate much of the administrative work now being carried on for thte Territories by the Dominion, and will refrain from doing more than instancing the work called for in the administration of justice as a case in point.

The impossibility of continuing the present system upon its present basis must be self evident. On the one hand, our limitations—rigidly fixed by Parliament in some instances and equally firmly placed by circumstances in others—preclude our doing for ourselves the things that ought to be done, and, on the other hand, Parliament makes no effort to assist us with even an approximate degree of adequacy. I have spoken of the work to be done by the Government of the Territories as being 'ours', but I am satisfied that you realise as fully as we do that the work is only ours to do, as the doing of it and whatever may be accomplished when it is done will all redound to the credit and be for the benefit of Canada. We have been moderate in our requests for means to carry on the work given to us to do, and the successive annual failures of Parliament to meet the requirements have now brought us face to face with accrued public necessities far and away beyond our means to cope with. The Legislative Assembly has prayed that His Excellency will be pleased to make inquiry into the position of the Territories, and to cause action to be taken to provide for their present and immediate welfare and good government. What can be done ? In the first place I have to assure you that the present condition of the Territorial Treasury demands that a sum of not less than $465,000 be available before the close of the current Dominion fiscal year in order to enable us to even attempt to perform our public duties during the first half of 1902. Towards that sum Parliament has already made an appropriation out of which $178,989.50 will be available and which we may possibly be able to increase by $35,000 from other sources. We thus have a depleted Treasury to meet a deficit which in six months from now will amount to at least $250,000. We can only look to Parliament for this money. It is not possible for us to obtain it here or advisable to make any attempt to do so. The work must go on, and the longer it does so under existing conditions the further behind will we fall. This position is not one upon which either the Government or the Legislative Assembly of the Territories can look with equanimity, and I am convinced that once it is realized by the Dominion Government it will not be permitted to continue. Neglect to furnish prompt relief cannot but have the effect of neutralising the efforts of the Dominion to people the Territories, and it does not seem to us to be probable that Parliament, after making generous provision for carrying on the work of inducing immigration to the Territories, will be niggardly in providing for assisting to retain the people so brought here.

Granting that the foregoing statement has the effect which we earnestly trust it will have, and that we shall receive your assurance that our present financial necessities will be relieved as soon as Parliament can be asked to make the necessary provison therefore, what then ? How shall the future requirements be met ? From official announcements made on different occasions we are led to the belief that there are good prospects of larger and more extensive movements of people towards the North-west than any yet seen. Will Parliament continue to provide the means for carrying on the work we know to be necessary, making increases in the grants made for the purpose bearing some proportion to the increases in the numbers of the people coming to us, as well as capital to permit development work to be carried on ? If so, well and good. The Legislative Assembly has suggested that the time has arrived when some consideration be given to this question, and by its Address before cited has asked that

'inquiries be made and accounts taken with a view to the settlement of the terms and conditions upon which the Territories or any part thereof shall be established as a province.'

This request is made in the belief that such an inquiry will make it clear that the establishment of a province in the Territories upon equitable terms will relieve the Dominion of any necessity for annually considering Territorial questions. It is thought that the time is opportune for looking into this matter. Our official machinery is now upon a working basis, and it does not appear that any disturbance of equilibrium can result from the operation of the increased powers and added duties that will follow the change. The present tentative nature of much of our legislation and some of our public institutions can be amended by the introduction of measures tending to place them upon a permanent footing, which work can be better done in the near future than at a time when the weakness and ineffectiveness of much of our work, due to causes already referred to, have had time to create public dissatisfaction and uneasiness. During the consideration which I have no doubt will be given to this part of the prayer of the Legislative Assembly, there are some matters which, we respectfully submit, should receive most careful and thorough examination. It goes without saying, that the principles of the British North America Act will form the basis of the constitution of any province created. We seek for no advantages over any other province, and we do not anticipate that we will be denied any privilege given elsewhere. After giving some earnest thought to the matter of presenting this part of the subject as desired by the Sub-committee of the Privy Council, I have concluded that I cannot do so in any better manner than by submitting the views of the Executive Council of the Territories in the form of a draft Bill, in which the several points we would like to have brought to an issue are duly set forth, making such comment upon the principles involved as occurs to me in connection with each section or group of sections, and from this point onwards this communication will take the form thus indicated.

(No.) BILL. 1901.

An Act to establish and provide for the Government of the province of

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. On, from, and after the first day of January, 1903, that portion of the Territory known as Rupert's Land, and the North-western Territory admitted into the Union or Dominion of Canada by Her Majesty Queen Victoria, by and with the advice and consent of Her Majesty's Most Honourable Privy Council by Order bearing date the twenty-third day of June 1870, under the authority of the 146th section of the British North America Act, 1867, described as the provisional districts of Assiniboia, Saskatchewan and Alberta as the said districts are defined by Orders of His Excelleney the Governor General of the Dominion of Canada made in Council on the eighth day of May, 1882, and the second day of October, 1895, respectively: and that portion of the provisional district of Athabaska, as the said district is defined by Order of His Excelleney the Governor General of the Dominion of Canada made in Council on the eighth day of May, 1882, and the second day of October, 1895, respectively, lying to the south of the fifty-seventh parallel of north latitude, shall be formed into and be a province which shall be one of the provinces of the Dominion of Canada, and which shall be called the province of.....

MEMORANDUM.

In considering the question of the area to be included in this province it may be claimed that the area proposed is too large for one province. In this connection it

should first be noted that the proposed area when compared with several of the other provinces of the Dominion stands as follows:—

	Area.
Quebec	347,000 square miles.
Ontario	220,000 "
British Columbia	383,000 "
Proposed province	404,000 "

From this comparison it will be noted that the proposed province contains an area considerably larger than that contained in either of the three other provinces mentioned, but it must be remembered that a large portion of the district of Athabaska and of the northern and eastern portion of Saskatchewan proposed to be included in the new province will never, owing to situation or physical features, or both, contain anything more than a very small and scattered population. The area which it is proposed to include in the new province is practically the area administered by the present Territorial Government and the experience of the past few years has indicated that there is no difficulty in properly administering the area from one centre.

The present cost of the government 'machine' in the Territories is proportionately much less than in the older provinces above mentioned and although the full provincial powers will bring with them added duties and necessitate additions to some of the present Territorial departments, these additions can easily be made and the departmental machinery extended to cover these services.

Our present cost of government only amounts to ten per cent of the annual Territorial expenditure, which is much less than the percentage of charge for this service in the older provinces and indicates that the present machinery of government is well suited to the requirements of the country and can be extended much more cheaply and satisfactorily than any new government departments can be organized.

The people in the provisional districts now administered by the Territorial Government, and which it is recommended should form the new province, are well acquainted with and satisfied with the present territorial laws and their administration, and there certainly does not seem anything to gain from a multiplication of governments in the area proposed to be created into a province.

The area in question, of course, contains much diversity of climate, soil, and other physical conditions which render it difficult to legislate in such a manner as to make the laws equally suitable to all portions, but no matter what division of the Territories might be made this condition would still exist and these difficulties have been fully realized and provided for in the existing territorial laws.

2. On and after the said first day of January, 1903, the provisions of the British North America Act, 1867, except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or to affect only one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act, shall be applicable to the province of.....in the same way and to the same extent as they apply to the several provinces of Canada and as if the province of.....had been one of the provinces originally united by the said Act.

Memo.

This is the provision adopted on the incorporation of each of the provinces since the Union.

3. The said province shall be represented in the Senate of Canada by four members until it shall have, according to decennial census, a population of two hundred and fifty thousand souls, and from thenceforth it shall be represented by five members, and thereafter for each additional increase in population of fifty thousand souls according to decennial census there shall be an increase of one member in its representation until it is represented by twenty members.

Memo.

This provision partially assumes a basis of representation by population which is not the usual basis for an upper chamber, and the basis applied at Confederation, but it was the basis adopted with certain limitations when Manitoba was formed, two members being given for the then population of 17,000, to be increased to three for a population of 50,000, and the ratio for subsequent representation being fixed at 25,000, practically one-half the ratio in the present instance from the commencement. The maximum number is reasonable on the basis of representation fixed by the Confederation Act, by which the country was divided into districts not equal in area or population, but representative of different interests. The prairie portion of the country, consisting of Manitoba and the proposed province, comprises a division of the country as different in conditions and interests from the other portions of the country as the divisions under the Confederation Act, and the representation under this Act and the Manitoba Act would give it the same representation as each of the other divisions, while the limitation of twenty, as compared with Manitoba's four, seems reasonable on comparison of the areas and probable future populations.

4. The said province shall be represented in the first instance in the House of Commons of Canada by ten members, and for that purpose shall be divided by Act of Parliament or by proclamation of the Governor General into ten electoral districts, each of which shall be represented by one member ; provided that on the completion of each decennial census hereafter the representation of the said province shall be readjusted according to the provisions of the Fifty-first Section of the British North America Act, 1867.

Memo.

By the Manitoba Act, passed in 1870, Manitoba was given a representation of four members in a House to be elected in two years. The census taken in the following year showed a population of 18,995, which would have entitled her to one member. In 1881 the population had increased to 62,260, entitling her to three members. British Columbia, admitted in 1871 with a population of 36,247, entitling her to two members, was given six. In 1881 the population was 49,459. The Territories are now entitled, on the basis of redistribution under the British North America Act, 1867, to six members, and the present rate of immigration and the prospects of immediate increase, which are much more promising than in the case of either Manitoba or British Columbia, which were given respectively four and three times the members they were entitled to on the same basis, would seem to indicate that the number of ten or twelve members in a House which is not to be elected for three or four years, errs, if at all, in the direction of being too few, rather than too many. Even at the present moment the immigration for the year just about to close will give an estimated increase of more than 25,000 to the population as shown by the census lately taken.

5. The Executive Council of the province shall be composed of such persons and under such designations as the Lieutenant Governor shall from time to time think fit.

Memo.

This is exactly the same provision as that contained in the Manitoba Act, except as regards the limit in number in the first instance to five, which appears uncalled for.

6. All powers, authorities and functions which under any law or custom were before the coming into force of this Act vested in or exercisable by the Lieutenant Governor of the North-west Territories with the advice, or with the advice and consent, of the Executive Council thereof or in conjunction with that council or with any member or members thereof or by the said Lieutenant Governor individually, shall as far as the same are capable of being exercised after the coming into force of this Act be vested in and shall or may be exercised by the Lieutenant Governor of the province of..... with the advice or with the advice and consent of or in conjunction with the Executive Council or any member or members thereof or by the Lieutenant Governor individually as the case requires, subject, nevertheless, to be abolished or altered by the Legislature of the province.

SESSIONAL PAPER No. 116

Memo.

The provision of this section is practically the same as that contained in the 65th section of the Confederation Act in relation to Ontario and Quebec, and while there is no similar provision in the case of any of the other provinces then or afterwards admitted, they stand on a different footing inasmuch as all of them, except Manitoba which had had no previous existence, were self governing colonies with Governors directly representing the Crown, whereas the North-west Territories have for years had a Lieutenant Governor exercising certain functions which, as well as the existence and status of such Lieutenant Governor, are purely the creation of a Dominion Act, and the section as proposed would settle any question which might arise with regard to the authority of such Lieutenant Governor of the province in respect to functions exercised by the Lieutenant Governor of the Territories.

7. Unless and until the Executive Government of the province otherwise directs the seat of Government of the same shall be at.....

(See memo. following Section 8.)

8. There shall be a Legislature for the province consisting of the Lieutenant Governor and of one House styled the Legislative Assembly of.....

Memo.

Sections 7 and 8 are the provisions of the British North America Act, Sections 68 and 69, and the Manitoba Act, Sections 8 and 9 on this subject.

The location of the provincial capital is a matter of local concern and can only be finally decided upon after the creation of a province. In the meantime, for practical reasons, the seat of government will remain as it is.

9. The Constitution of the Legislature of the North-west Territories as it exists on the first day of January, 1903, shall subject to the provisions of this Act continue to be the Constitution of the Legislature of the province of..... until altered under the authority of this Act and the Legislative Assembly of the said Territories existing on the said first day of January, 1903, shall unless sooner dissolved continue as the Legislative Assembly of the province of....., till the completion of the period for which it was elected.

Memo.

When the British North America Act, 1867, came into effect, there were, of course, no legislative assemblies in Ontario and Quebec, and in Nova Scotia the Assembly was dissolved. In New Brunswick, however, an Assembly existed and provision was made by Section 88 of the British North America Act, 1867, similar to that contained in this section for its continuance. The Assembly of the Territories occupies the same relation to the province that the Assembly of the then province of New Brunswick did to the province under Confederation and it seems fitting that the same provision should be made.

10. In and for the province the said Legislature may exclusively make laws in relation to irrigation, and subject to any rights acquired under any Act of the Parliament of Canada before the first day of January, 1903, the property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, canyon, lagoon, swamp, marsh, or other body of water shall, on, from and after the said date, belong to and be vested in the province, unless and until and except only so far as some right of some person therein or to the use thereof inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established.

Memo.

This section provides that laws relating to irrigation shall be made exclusively by the province, and transfers title to all water to the province. It is assumed, in discussing this section, that if the province be created without special provision for this matter, that the title to the water in unnavigable streams and lakes would, under ordi-

nary terms of the British North America Act, pass to the province, but that the title to navigable waters would remain in the Government of Canada. This would make systematic irrigation impossible without joint legislation.

It has been clearly proved, and admitted by the Dominion Government, that in a large section of the Territories to be included in the new province irrigation is a necessity.

This necessity exists in only a portion of the proposed province and is, therefore, a "local" need, which must be dealt with in the same way as other "local" needs in other portions of the proposed province, and under provincial control and administration.

It is admitted by those interested, that the success which has already attended the introduction of irrigation undertakings in the Territories is largely due to the careful government control which has been exercised of the record and use of water rights, and that such control can be best administered from local government sources was recognized some years ago by the Dominion Government, when the delegation of the administration of the North-west Irrigation Act to the Territorial Commissioner of Public Works was made.

If, as has been assumed, the new province will, under the terms of the British North America Act, own the water in unnavigable streams and lakes, the present provisions of the North-west Irrigation Act dealing with the title to such water will, of course, have to be repealed, and unless the provision contained in Section 10 of the proposed Act becomes law, there will at once be a clash between the Dominion Government and the Provincial Government regarding the use of water for irrigation. This difficulty will arise owing to uncertainty as to the streams or other bodies of water which are navigable and must be dealt with by the Dominion, and the other bodies of water which will become the property of the province and can only be dealt with by the province.

In the irrigation States and Territories to the south of the new province one of the greatest drawbacks to irrigation development has resulted from litigation as to the title to water rights, and this difficulty can only be abolished in the new province by continuing the present exact and carefully administered system of government control and record of water rights, and that system cannot be continued if there is any question as to which Government (Dominion or Provincial) is entitled to deal with these water rights.

The difficulty could, of course, be overcome by special provision being made in the Act, reserving the title to all water to the Dominion, but if this were done, the new province would be treated on an entirely different basis from the other provinces of the Dominion, including Manitoba, and would be precluded from dealing with a matter which, as has been stated, is a purely local one, and which experience has proved can best be dealt with by a department in close touch with the people interested.

The provisions of the section are taken from the Federal Irrigation Act of 1895, Section 2, but vesting in the province all water rights.

11. In addition to all other powers the Legislative Assembly of the province shall have the powers conferred on the Legislative Assembly of the North-west Territories by the nineteenth section of chapter twenty-two of the Acts of the Parliament of Canada passed in the fifty-fourth and fifty-fifth year of the reign of Her Majesty Queen Victoria.

Memo.

The object of this section is to continue in the new province certain powers respecting legislation on the subject of the importation, &c., of intoxicating liquors conferred on the Territories by the North-west Territories Act, and which would not be comprised in the general powers under the British North America Act, 1867.

12. The judges of the courts of the province shall be selected from the bar of the province or from the bar of some other province in which the laws relative to property and civil rights and the procedure of the courts are the same as in the province of .....

Memo.

This section contains exactly the same provision as is contained in Section 97 of the British North America Act, 1867, as regards the provinces whose system of law was founded on the English common law.

13. Except as otherwise provided by this Act, all laws in force in the North-west Territories on the first day of January, 1903, and all courts of civil and criminal jurisdiction and all legal commissions, powers and authorities existing therein on the said date shall continue as if this Act had not been passed, subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the Province according to the authority of the Parliament or of the Legislature under this Act.

(See memo, following Section 14.)

14. All public officers and functionaries, judicial, administrative and ministerial, holding office in the North-west Territories on the first day of January, 1903, shall continue to hold such office in the province of..... with the same duties and powers as before until otherwise ordered by the Governor General of Canada or the Lieutenant Governor of the province according to the authority of the Governor General or the Lieutenant Governor under this Act.

Memo.

Sections 13 and 14 contain the necessary provisions for continuing the laws, courts, officers, &c., and are the same as contained in Section 129 of the British North America Act, 1867, here divided into two sections, the words of Section 129 not appearing to be very appropriate as applied to officers.

15. Until altered by the Lieutenant Governor in Council, the Seal of the North-west Territories shall be the Great Seal of the province of.....

Memo.

This is a simple provision to prevent the province being without a Seal until one can be provided, and conforms to that of Section 136 of the British North America Act, 1867.

16. The penitentiary situate in the province of Manitoba shall, until the Parliament of Canada otherwise provides, be the penitentiary for the province of.....

Memo.

This section contains the penitentiary arrangements at present in force, as was done in the case of the then provinces by the British North America Act, 1867.

17. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that company surrendered Rupert's Land to Her Majesty Queen Victoria, and all rights, privileges and properties conferred on Canada by the said conditions shall, in so far as they relate to matters within the legislative authority of the province, belong to and be vested in the province.

Memo.

Provision for the rights of the Hudson's Bay Company was thought to be necessary in the case of Manitoba (See Manitoba Act, Section 34) and is therefore continued in the present Act. The later provision of the section, though not in the Manitoba Act, seems desirable, particularly in view of the fact that at present the

Hudson's Bay Company has denied the right of the Territories to take without compensation lands required for roads through reserves, which right is given to Canada by the conditions of surrender.

18. All lands belonging to the Crown situate in the province of....., other than lands reserved by statute or Order in Council for the use of Indians or for and earned by any person or corporation, and lands entered for homestead or pre-emption but not granted, and all sums due and payable on the first day of January, 1903, for such lands shall belong to the province.

(See memo. following Section 21.)

19. All mines, minerals, timber and royalties belonging to the Crown situate, being or arising in the Province of....., and all sums due and payable on the first day of January, 1903, for such mines, minerals, timber or royalties shall belong to the province.

(See memo. following Section 21.)

20. The province shall receive and retain all the public property of the North-west Territories not otherwise disposed of in this Act.

(See memo. following Section 21.)

21. All buildings in the North-west Territories belonging to Canada, used or intended for court houses, jails and land titles offices and for residence and offices of the Lieutenant Governor and Government of the North-west Territories, together with all appurtenances connected therewith and all moneys the proceeds from the sale or leasing of school lands in the North-west Territories, and all moneys forming the Assurance Fund under the provisions of the Territories Real Property Act and the Lands Titles Act, 1894, shall be the property of the province of.....

Memo.

Sections 18, 19, 20 and 21 deal with the public property within the proposed province, and provide, as far as the circumstances appear to admit, for an arrangement analogous to that which obtains in the several provinces originally forming the Confederation.

The right and title to the public domain is in the Crown, but in the Colonies directly established by Great Britain the beneficiary interest in the revenues arising from the sale or other disposal of the public domain has been surrendered by the Crown for the benefit of the people residing in such Colonies.

The Union Act of 1840 specifically provided that the Territorial and other revenues then at the disposal of the Crown should be placed in future at the disposal of the province of Canada, then being formed. Similar dispositions were made, either by statute or by the exercise of the royal prerogative, in favour of the other Colonies in British North America. The British North America Act continued these arrangements for the benefit of the provinces forming the Confederation, and the sections of the Bill under reference provide for the extension of the principle to the province of which it purports to provide for the formation.

It may be noted that there has been no legislation or exercise of the royal prerogative transferring, to Canada or otherwise, any right to enjoy the beneficiary interest in the Territorial revenues of the North-west Territories. The fifth section of the 'Rupert's Land Act, 1868,' like the Order in Council of June 23, 1870, for which it is the authority, goes no further than to provide that, upon the admission of Rupert's Land into the Dominion, 'it shall be lawful for the Parliament of Canada * * * to make, ordain and establish within the land and territory so admitted * * * * all such laws, institutions and ordinances, and to constitute such courts and officers, as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein.' The words of the Order in Council dealing with the admission into the Union of that part of the North-west Territories formerly known as the North-western Territory are more sparing as to number but appear to convey a some-

what wider extent of power, as they not only provide for the 'good government' of the Territory, but also its 'future welfare,' at the hands of Canada. With the exception of the grant made to the Hudson's Bay Company by the Imperial Order in Council of June 23, 1870, Section 30 of 'An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the Government of the province of Manitoba,' confirmed by 'The British North America Act, 1871,' appears to be the only authority under which any portion of the rights of the Crown in Rupert's Land or the North-western Territory has ever been alienated. The Act last referred to is this Act under the authority of which the Parliament of Canada has from time to time made 'provision for the administration, peace, order and good government,' of the North-west Territories, being a 'territory not for the time being included in any province'; and it is also the Act under which Parliament will provide for the 'constitution and administration of any * * * province' which may be established, 'and for the passing of laws for the peace, order and good government of such province * * * *'

The difference between legislative jurisdiction and proprietary rights was clearly laid down by Lord Herschell in the judgment of the Judicial Committee of the Privy Council in the Fisheries case, but it may be admitted that the necessities of 'administration,' and the 'duties and obligations of government and legislation as regards these Territories' assumed by Parliament, together with the established Imperial practice in such cases, would probably,though not necessarily, carry with them the privilege of appropriating the territorial and other revenues of the Territories for the purposes of maintaining good government and further the ends of legislation. Upon the formation within the Territories of the promised 'Political institutions bearing analogy * * * to those which exist in the several provinces of the Dominion,' it is submitted that whatever interest Canada may have had or exercised in respect of the territorial revenues will devolve upon the province. As Great Britain has divested herself, for the benefit of her colonies, of all her proprietary rights in the public domain within those colonies, so, it is thought, Canada should do with respect to any claim that may be preferred on behalf of the Dominion to the beneficiary interest in the public domain within that part of the North-west Territories to be included in any province to be established.

It may be that the Government of Canada will admit the principle contended for above on behalf of the people of the North-west Territories who may be included within the limits of any province to be created, but will argue that it will not be in accord with established public policy for the Dominion to divest itself of the ability, largely advertised abroad, to grant lands to actual settlers upon almost nominal conditions. Such appears to have been the view adopted in 1884 by the Government of the day with respect to certain similar representations then made by the province of Manitoba. The validity of the claim was admitted by the agreement to recompense the province for the loss of its public property. It is not deemed necessary, here, at this stage, to discuss any such proposition further than to point out the one fact that, should the Dominion withhold from the province, for the benefit of Canada at large, the right to administer the public domain within its boundaries and to enjoy the revenues therefrom, the addition of each new settler, or—what experience has shown to practically almost amount to the same thing—the opening up of each new settlement, will impose a burden and financial strain upon the revenues of the province altogether out of proportion to any revenue derivable on account of such settler or settlement, and one that can only be met by an early appeal to extensive direct taxation. The last issue of the Statistical Year Book gives the following rates of Government expenditure per head in the several provinces—Ontario, $1.74; Quebec, $2.74; Nova Scotia, $2.04; New Brunswick, $2.47; Manitoba, $4.58; British Columbia, $9.88; Prince Edward Island, $2.82. In the year 1900, the expenditure of the Government of the North-west Territories was limited to $477,374.22 for the simple reason that no more money was available for expenditure. The population of the Territories in May,

1901, is reported to have been in the neighbourhood of 160,000. A simple calculation shows the per capita expenditure, in 1900, to have been about $2.98. Without extravagance and in order to provide for urgent public necessities, the per capita rate of expenditure in the Territories, had the money been available, would have been between $6 and $7. This large rate of public expenditure in the Territories, as compared with the rates of the eastern provinces, is entirely attributable to the extraordinary increase in expenditure due to the energy displayed by the immigration branch of the Interior Department. Whilst such energy is commendable from the view point of Dominion interests, yet its results place a great strain upon the finances of the country, and it is, with all respect, urged that the exploitation of the public domain within the province to be established, in the interests of the Dominion solely and entirely, will place upon the province a burden too onerous to bear, and one which should properly fall where the benefits go.

22. The following amounts shall be allowed and paid by Canada by half-yearly payments in advance as an annual subsidy to the province, that is to say :—

(*a*) For the support of the Government and Legislature, fifty thousand dollars.

(*b*) On an estimated population of two hundred and fifty thousand at eighty cents per head, two hundred thousand dollars, subject to be increased as hereinafter mentioned, that is to say :—A census of the province shall be taken in every fifth year, reckoning from the general decennial census of one thousand nine hundred and one ; and an approximate estimate of the population shall be made at equal intervals of time between such quinquennial census and such decennial census ; and whenever the population by any such census or estimate exceeds two hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowanace shall be increased in accordance therewith until the population reaches four hundred thousand.

Memo.

Section 22 provides for the payment of an annual subsidy to the new province on the lines of that paid to the provinces under Section 118 of the British North America Act. It may be noted that in the year 1900 the cost of Government and the Legislature in the North-west Territories amounted to $66,311.37, which amount was further supplemented by expenditures made from the Parliamentary vote for Government of the North-west Territories upon matters which, in the provinces, usually devolve upon the provincial revenues, and which principle may be expected to be extended to the province to be formed.

The payment of eighty cents per head upon an estimated population in excess of the present actual population follows the precedent established in the case of British Columbia at the time of its admission into the Union. Ten years after its admission the population of that province had not reached to within ten thousand of the number upon which the subsidy was based. In the case of the North-west Territories, the population is rapidly increasing through immigration. Since the census was taken, in May, it is estimated that more than 25,000 people have come into the Territories, and it is reasonably expected that by the earliest date the province can be established the population will reach the initial figure referred to in the Bill, and that long before 1906 the population will be largely in excess of that upon which payment up to that date will be made.

23. The Province shall be entitled to be paid and to receive from the Government of Canada by half-yearly payments in advance, interest at the rate of five per cent per annum on the excess over the sum of.....of a sum to be ascertained by multiplying the population of the province by 32:46, and for the purpose of this section, the population of the province shall, until after the next decennial census, be deemed to be two hundred and fifty thousand. Provided, that immediately after the census of..... there shall be a readjustment under this section on the basis of the population as ascertained by such census.

SESSIONAL PAPER No. 116

Memo.

This clause provides for the establishment of a capital account between the province and the Dominion upon similar terms to those which have been given to the province of Manitoba, with the exception that the arrangement proposed is not final, the Bill providing for a readjustment on the basis of the population at a future date, when it may be expected that the ratio of increase will approximate more closely to those in the other provinces than is the case at present.

24. The province shall be entitled to receive by half yearly payments in advance from the Government of Canada interest at five per cent per annum on the sum of one dollar per acre for each acre of land in the province granted by the Dominion otherwise than for homesteads or pre-emptions under the provisions of the Dominion Lands Act or in settlement of half-breed claims.

Memo.

Section 24 would probably be more properly referred to in connection with Sections 18, 19, 20 and 21 of the draft Bill as it deals with the public domain in so far as grants of land in the North-west Territories made for federal purposes are concerned, and seeks to place the indebtedness of Canada, to meet which these lands were given, where it properly belongs, namely, the Dominion at large, and not upon the property of the province. These grants have, in the main, been made in aid of railway construction in the west. Of such grants the following have been made, from Manitoba and the North-west lands, to the companies named:—

	Acres.
Alberta Railway and Coal Company	1,114,368
Calgary and Edmonton	2,176,000
Canadian Northern	9,907,200
Canadian Pacific	19,816,010
Great North-west Central	320,000
Manitoba and North-western	2,752,000
Manitoba and South-western	1,396,800
Qu'Appelle, Long Lake and Saskatchewan	1,625,344
Red Deer Valley	352,000

Of these roads only four are entirely within the Territories, those namely,—of the Alberta Railway and Coal Company, the Calgary and Edmonton Railway Company, the Qu'Appelle, Long Lake and Saskatchewan Company, and the Red Deer Valley Company, and the lands granted lie within the area of the proposed province. The other roads named lie either entirely in Manitoba or partly within both Manitoba and the Territories. With respect to three of these roads, namely, the Great North-west Central, the Manitoba and North-western and the Manitoba and South-western, the following is noted. The whole of the line constructed by the Great North-west Central is entirely within Manitoba. An area of 708,827 acres has been reserved for this grant, of which about 705,000 acres are in the Territories, and from which the bulk of the 320,000 acres earned under the grant will have to be selected, there being only some 5,800 acres of the reserve in Manitoba. An area of Territorial lands, equal to the whole grant to the Manitoba and North-western Company, has been reserved for the purposes of that grant, though less than one-fifth of the road constructed lies in the Territories. The line of the Manitoba and South-western Colonisation Company is entirely within Manitoba, but an area in the Territories of about 681,000 acres has been reserved for the grant on account of this road. Of the grants to the Canadian Pacific Railway Company the balance of that on account of the construction of the main line (18,206,986 acres) is the most important. As has been before stated, only some 2,500,000 acres have been selected outside the Territories, the balance being within the Territories. The Canadian Pacific Railway Company has been granted lands in aid of its Deloraine and Napinka, Glenboro and Souris, Kemnay and Estevan,

and Pipestone Branches, amounting in all to 1,609,024 acres. A reserve approximating 1,900,000 acres, in the Battleford district of the North-west Territories of Canada, several hundred miles from the location of these branch railways, has been made for the purposes of these grants, though only about one-half of the Kemnay and Estevan branch is within the Territories, the Pipestone branch has just entered the Territories, the balance of these two roads together with the whole of the other two named being entirely without the Territories in the province of Manitoba.

The case of the Great Northern Railway Company may be mentioned also, as it is extremely probable that a very considerable part of the grants to that company, which aggregate nearly 10,000,000 acres, will when located be taken from territorial lands, though those portions of the company's system for which the grant has been made lies entirely outside of the Territories.

These railways have been aided by the Dominion on the ground that their construction was a benefit to Canada, and the policy followed in Manitoba and the North-west Territories is in remarkable contrast to that adopted by the Dominion in all other parts of Canada. Published Government statistics show that the Dominion Government has granted aid to railways constructed and under construction, up to June 30, 1900, by way of loans and bonuses, a sum of $166,009,303. The people of the Territories, man for man, bear an equal proportion of the cost to the Dominion of such expenditures.

There are some ninety railway enterprises, each wholly within its own province, which have been granted cash subsidies at the charge (it is again repeated) of the people of the Territories, equally with those of other parts of Canada, but in the Territories, railways, constructed as much in the interests of Canada as any one of the ninety referred to above, are subsidized entirely at the cost of the public domain within the province, notwithstanding the fact that some of the roads so subsidized will not benefit the province in any form or shape. The principle being once conceded, it must be admitted that if one is, all railways constructed are for the benefit of Canada whether it be the Canadian Pacific system with its six thousand and odd miles of track or the Phillipsburg Junction road, two-thirds of a mile in length. Canada should therefore bear the cost of the grants made by the Dominion and the Bill seeks to provide an equitable arrangement for transferring the burden of these and other similar grants from the Territories to the Dominion, so that the people of the province will not be dealt with in these respects otherwise than are the people of the provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island and British Columbia.

In addition to the matters dealt with in the foregoing draft Bill, I have also to direct your attention to, and to press for the removal by ancillary legislation, of the exemption from taxation granted to the Canadian Pacific Railway Company under Clause 16 of the Schedule to Chapter 1 of the Dominion Statutes of 1881. The exemption, as is well known, is two-fold. First, that in the words : "The Canadian Pacific Railway, and all stations and station grounds, workshops, buildings, yards and other property, rolling stock and appurtenances required and used for the construction and working thereof, and the capital stock of the Company, shall be forever free from taxation by the Dominion, or by any province to be hereafter established, or by any municipal corporation therein" ; and, second, in that part of the clause which reads : "and the lands of the Company in the North-west Territories, until they are either sold or occupied, shall also be free from such taxation for twenty years after the grant thereof from the Crown." The effect of these exemptions is to prohibit any province which may be established, or any municipal corporation therein, from requiring the Canadian Pacific Railway Company to assist in the "administration" of the country or the maintenance of "peace, order and good government" within its bounds with respect to a part of its property forever, and with respect to another part for a limited period of time. This exemption falls hardly upon the people of the North-west Territories in a number of ways. The nature of the land grant to the Company, in that it

is spread over the whole country in small blocks of one mile square, alternating with those open for homesteads, causes every dollar spent by a settler in the improvement of his homestead, where it lies within the districts reserved for the selection of the land granted on account of the construction of the Canadian Pacific Railway, to enhance the value of the lands held for the Company in its neighbourhood. All public expenditures made in such districts for roads, bridges and other works of a similar description improve the value of the lands still held by the company under its main line grant, the company contributing nothing on account of such lands towards the cost of the works by reason of which they are benefited.

An examination of the terms of the grant to the Canadian Pacific Railway Company shows that the exemption will bear with particular stress upon any province established within the area referred to in the draft Bill. The paragraph lettered (*a*) of Clause 9, in the Schedule to the 1881 Canadian Pacific Railway Act (Chapter 1 of the Statutes of that year) reads :

(*a.*) The said subsidy in money is hereby divided and appropriated as follows, namely :—

CENTRAL SECTION.

Assumed at 1,350 miles—		
1st—900 miles at $10,000 per mile.	$9,000,000	
2nd—450 miles at $13,333 per mile.	6,000,000	
		$15,000,000

EASTERN SECTION.

Assumed at 650 miles, subsidy equal to $15,384.61 per mile.	10,000,000
	$25,000,000

And the said subsidy in land is hereby divided and appropriated as follows, subject to the reserve hereinafter provided for :—

CENTRAL SECTION.

1st—900 miles at 12,500 acres per mile. . . .	11,250,000	
2nd—450 miles at 16,666.66 acres per mile. . .	7,500,000	
		18,750,000

EASTERN SECTION.

Assumed at 650 miles, subsidy equal to 9,615.35 acres per mile.	6,250,000
	25,000,000

The original land grant of 25,000,000 acres has been reduced by 6,793,041 acres at a cost to Canada of $10,189,521, thus leaving the company to receive 18,206,986 acres. In other words, the amount of that apportionment of the land grant on account of the construction of the "Eastern Section"—or that part of the railway between Callander and a point east of Red River to which the road had been constructed from Selkirk by the Government, all of which lies in the Province of Ontario—has been exchanged for cash, at the cost of the people of the Territories equally with those of every other part of Canada. Of the balance of the land grant, the company has selected some 2,500,000 acres within the province of Manitoba, leaving the balance to be selected from the lands within the North-west Territories out of the extensive areas reserved

for that purpose. This particular grant is that made on account of the construction of the "Central Section" of the railway, namely that from Selkirk to Kamloops, which has been definitely ascertained to be a distance of 1,250 miles. This distance is divisible as follows :—Manitoba, 220 miles ; North-west Territories, 760 miles ; British Columbia, 270 miles. It is, therefore, apparent that a proportionate area, based upon the mileage through the province at the rate granted per mile through the Prairie portion of the Central Section (220 miles at 12,500 acres per mile, being 2,750,000 acres) has not been taken from Manitoba lands, and that in addition to this shortage of 250,000 acres, the whole of the grant earned by construction through British Columbia (at the Mountain rate of 16,666:66 acres per mile) is being made out of the lands of the Territories. Even if, under any process of reasoning, the exemption clause can be justified as regards the construction of the railway through the Territories, it is not thought that the Territories can in equity be required to bear this extra burden on account of the construction of the railway through the provinces of Manitoba and British Columbia. If they are so required, the people of the Territories, who are individually contributing equally to the cost to Canada of the interest upon the debt created by the payment of the original bonus of $25,000,000, the payment of $10,189,521 for the repurchase of the land grant on account of the Eastern, or Ontario Section of the railway, together with the annual payment of $100,000 to British Columbia for lands conveyed to Canada under the terms of the Imperial Order in Council of May 16, 1871, "to aid in the construction of the railway," will be also liable to bear whatever the exemption from taxation under the Canadian Pacific Railway Act of 1881 may mean. By the terms of that Act the province to be established—or any municipal corporation therein—will be prohibited from taxing the company or its property in any manner or for any reason. Unless invidious comparisons are made between the Canadian Pacific and other railway companies, this will mean the involuntary relinquishment of resources to that avenue of revenue, as no competing company will be liable to expend the necessarily vast sums of money required, unless it has the prospects of obtaining similar exemption from taxation at the hands of the province.

The necessity for this extraordinary burden upon the people of the West is not obvious. Ample evidence exists to show that the railway was not in any sense built for the benefit of the North-west. In 1865, the Honourable George Brown voiced the opinion of the Government of the day, when he stated, in his place in the Parliament of Canada, during the Confederation debates, that "the Confederation is, therefore, clearly committed to the carrying out of both these enterprises," his reference being to the construction of the Intercolonial Railway, and the opening up of the communications with the North-western Territory. "I doubt," he proceeded to say, "if there was a member of the Conference who did not consider that the opening up of the North-west and the improvement of our canal system were not as clearly for the advantage of the Lower Provinces as for the interests of Upper Canada. Indeed, one gentleman held that the Lower Provinces were more interested—they wished to get their products into the West—they wanted a back country as much as we did—they wanted to be the carriers for that great country—and they were, therefore, to say the least, as much interested in these questions as we were." But there is no need to go back beyond the solemn compact entered into between Canada and the Colony of British Columbia in 1871. The Imperial Order in Council of May 16, 1871, respecting the province of British Columbia, sets forth, as one of the terms and conditions upon which that Colony consented to enter the Confederation, the undertaking of the Government of Canada "to secure the commencement, simultaneously within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada ; and further to secure the completion of such railway within ten years from the date of the Union." The preambles to Chapters 71 and 72 of the Dominion Statutes of 1872 and Chapter 1 of the Statutes of 1881, all set forth the

fact in various ways that (to quote from the last-mentioned Act) "by the terms and conditions of the admission of British Columbia into union with the Dominion of Canada, the Government of the Dominion has assumed the obligation of causing a railway to be constructed connecting the seaboard of British Columbia with the railway system of Canada."

All this being so, it is difficult for the people of the North-west Territories to understand why they should be called upon to assume any other burden than that of contributing proportionately—and no more—with the people of other parts of Canada towards the cost of carrying out the obligations assumed by Canada under the compact with British Columbia. The exemption from taxation granted by the Canadian Pacific Railway Act is undoubtedly such an added burden and an imposition upon the people of the North-west Territories that cannot be justified. For no reason that is conceivable, this exemption bears with greater stress upon the North-west than it does even upon Manitoba. Except those lands selected by the company under its land grant which lie in that part of Manitoba added to the original province after the contract of 1881, none of the property of the company is exempt from taxation in Manitoba. That province to-day is taxing the company under Chapter 57 of the Provincial Acts of 1890.

In view of the foregoing, it is submitted that Parliament should be asked to take such steps as may appear advisable in order to countervail the operation of the exemption clause of the Canadian Pacific Railway contract within the limits of the province to be created.

In conclusion, I would venture to express the hope that His Excellency's advisers will, at an early date, arrive at a favourable conclusion to their consideration of the subject matters herein set forth.

F. W. G. HAULTAIN.

(No.) BILL. 1902.

An Act to establish and provide for the Government of the province of.....

His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. On, from and after the first day of January, 1903, that portion of the territory known as Rupert's Land, the North-western Territory admitted into the Union or Dominion of Canada by Her Majesty Queen Victoria by and with the advice and consent of Her Majesty's Most Honourable Privy Council by Order bearing date the twenty-third day of June, 1870, under authority of the 146th Section of the British North Amercia Act, 1867, described as the Provisional Districts of Assiniboia, Saskatchewan and Alberta as the said districts are defined by Orders of His Excellency the Governor General of the Dominion of Canada made in Council on the eighth day of May, 1882, and the second day of October, 1895, respectively; and that portion of the provisional district of Athabaska, as the said district is defined by Order of His Excellency the Governor General of the Dominion of Canada made in Council on the eighth day of May, 1882, and the second day of October, 1895, respectively, lying to the south of the fifty-seventh parallel of north latitude, shall be formed into and be a province which shall be one of the provinces of the Dominion of Canada, and which shall be called the province of.....

2. On, from and after the said first day of January, 1903, the provisions of the British North America Act, 1867, except those parts thereof which are in terms made or by reasonable intendment may be held to be specially applicable to or to affect only one or more but not the whole of the provinces under that Act composing the Dominion, and except so far as the same may be varied by this Act, shall be applicable to the province of..... in the same way and to the same extent as they

apply to the several provinces of Canada and as if the province of..... had been one of the provinces originally united by the said Act.

3. The said province shall be represented in the Senate of Canada by four members until it shall have, according to decennial census, a population of two hundred and fifty thousand souls, and from thenceforth it shall be represented therein by five members and thereafter for each additional increase in population of fifty thousand souls, according to decennial census, there shall be an increase of one member in its representation until it is represented by twenty members.

4. The said province shall be represented in the first instance in the House of Commons of Canada by ten members and for that purpose shall be divided by Act of Parliament or by proclamation of the Governor General into ten electoral districts each of which shall be represented by one member; provided that on the completion of each decennial census hereafter the representation of the said province shall be readjusted according to the provisions of the British North America Act, 1867.

5. The Executive Council of the province shall be composed of such persons and under such designations as the Lieutenant Governor shall from time to time think fit.

6. All powers, authorities and functions which under any law or customs which were before the coming into force of this Act vested in or exercisable by the Lieutenant Governor of the North-west Territories with the advice, or with the advice and consent, of the Executive Council thereof or in conjunction with that council or with any member or members thereof or by the said Lieutenant Governor individually shall as far as the same are capable of being exercised after the coming into force of this Act, be vested in and shall or may be exercised by the Lieutenant Governor of the province of..... with the advice or with the advice and consent of or in conjunction with the Executive Council or any member or members thereof or by the Lieutenant Governor individually as the case requires, subject nevertheless to be abolished or altered by the Legislature of the province.

7. Unless and until the Executive Government of the province otherwise directs the seat of Government of the same shall be at.....

8. There shall be a legislature for the province consisting of the Lieutenant Governor and of one House styled the Legislative Assembly of.....

9. The constitution of the Legislature of the North-west Territories as it exists on the first day of January, 1903, shall, subject to the provisions of this Act, continue to be the constitution of the Legislature of the province of..... until altered under the authority of this Act and the Legislative Assembly of the said Territories existing on the said first day of January, 1903, shall, unless sooner dissolved continue as the Legislative Assembly of the province of..... until the completion of the period for which it was elected.

10. In and for the province the said legislature may exclusively make laws in relation to irrigation and subject to any rights acquired under any Act of the Parliament of Canada before the first day of January, 1903, the property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, canyon, lagoon, swamp, marsh or other body of water shall on, from and after the said date belong to and be vested in the province unless and until and except only so far as some right of some person therein or to the use thereof inconsistent with the right of the Crown and which is not a public right or a right common to the public is established.

11. In addition to all other powers the Legislative Assembly of the province shall have the powers conferred on the Legislative Assembly of the North-west Territories by the nineteenth Section of Chapter twenty-two of the Acts of the Parliament of Canada passed in the fifty-fourth and fifty-fifth year of the reign of Her Majesty Queen Victoria.

12. The Judges of the courts of the province shall be selected from the bar of the province or from the bar of some other province in which the laws relative to property and civil rights, and the procedure of the courts are the same as in the province of .....

13. Except as otherwise provided by this Act, all laws in force in the North-west Territories on the first day of January, 1903, and all courts of civil and criminal jurisdiction and all legal commissions, powers and authorities existing therein on the said date shall continue as if this Act had not been passed ; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the province according to the authority of the Parliament or of the Legislature under this Act.

14. All public officers and functionaries, judicial, administrative and ministerial holding office in the North-west Territories on the first day of January, 1903, shall continue to hold such office in the province of.....with the same duties and powers as before until otherwise ordered by the Governor General of Canada or the Lieutenant Governor of the province according to the authority of the Governor General or the Lieutenant Governor under this Act.

15. Until altered by the Lieutenant Governor in Council the Seal of the North-west Territories shall be the Great Seal of the province of.....

16. The penitentiary situate in the province of Manitoba shall until the Parliament of Canada otherwise provides, be the penitentiary for the province of.....

17. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to Her Majesty Queen Victoria and all rights, privileges and properties conferred on Canada by the said conditions shall in so far as they relate to matters within the legislative authority of the province, belong to and be vested in the province.

18. All lands belonging to the Crown situate in the province of....., other than lands reserved by the Statute or Order in Council, for the use of Indians or for and earned by any person or corporation, and lands entered for homestead or pre-emption, but not granted, and all sums due and payable on the first day of January, 1903, for such lands shall belong to the province.

19. All mines, minerals, timber and royalties belonging to the Crown situate, being or arising in the province of....., and all sums due and payable on the first day of January, 1903, for such mines, minerals, timber or royalties shall belong to the province.

20. The province shall receive and retain all the public property of the North-west Territories not otherwise disposed of in this Act.

21. All buildings in the North-west Territories belonging to Canada used or intended for court houses, jails, and land titles offices and for residence and offices of the Lieutenant Governor and Government of the North-west Territories, together with all appurtenances connected therewith, and all moneys, the proceeds from the sale or leasing of school lands in the North-west Territories, and all moneys forming the assurance fund under the provisions of the Territorial Real Property Act, and the Lands Titles Act, 1894, shall be the property of the province of.....

22. The following amounts shall be allowed and paid by Canada by half yearly payment in advance as an annual subsidy to the province, that is to say :—

(a) For the support of the Government and Legislature, fifty thousand dollars.

(b) On an estimated population of two hundred and fifty thousand at eighty cents per head, two hundred thousand dollars, subject to be increased as hereinafter

mentioned, that is to say :—A census of the province shall be taken in every fifth year, reckoning from the general decennial census of one thousand nine hundred and one ; and an approximate estimate of the population shall be made at equal intervals of the time between such quinquennial census and such decennial census ; and whenever the population by any such census or estimate exceeds two hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased in accordance therewith until the population reaches four hundred thousand.

23. The province shall be entitled to be paid and to receive from the Government of Canada by half yearly payments in advance, interest at the rate of five per cent per annum on the excess over the sum of....., of a sum to be ascertained by multiplying the population of the province by 32.46 and for the purpose of this Section the population of the province shall until after the next decennial census, be deemed to be two hundred and fifty thousand. Provided, that immediately after the census of.....there shall be a readjustment under this Section on the basis of the population as ascertained by such census.

24. The province shall be entitled to receive by half yearly payments in advance from the Government of Canada, interest at five per cent per annum on the sum of one dollar per acre for each acre of land in the province granted by the Dominion, otherwise than for homesteads or pre-emptions under the provisions of the Dominion Lands Act, or in settlement of half breed claims.

To His Excellency the Right Honourable Sir Gilbert John Elliott Murray-Kynnynmond, Earl of Minto and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the North-west Territories of Canada, in session assembled, humbly approach Your Excellency for the purpose of representing :—

That by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act ;

That by an Address from the Houses of the Parliament of Canada, Her Majesty was prayed to unite Rupert's Land and the North-western Territory with the Dominion of Canada ;

That in order to further the petition of the Parliament of Canada, Her Majesty, under the authority of the Rupert's Land Act, 1868, accepted a surrender from the Governor and Company of Adventurers of England, trading into Hudson's Bay, of all the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever granted or purported to be granted by certain Letters Patent, therein recited, to the said company in Rupert's Land ;

That in the said Address it was represented to Her Majesty, as a reason for the extension of the Dominion of Canada westward, that the welfare of the population of these Territories would be materially enhanced by the formation therein of political

institutions bearing analogy, as far as circumstances will admit, to those which existed in the several provinces then forming the Dominion.

That the Houses of the Parliament of Canada, by their said Address, expressed to Her Majesty their willingness to assume the duties and obligations of government and legislation as regards these Territories.

That in pursuance and exercise of the powers vested in the Queen by the aforesaid Acts, Her Majesty, by and with the advice of Her Most Honourable Privy Council, ordered and declared that from and after the fifteenth day of July, 1870, Rupert's Land and the North-western Territory should be admitted into and become part of the Dominion of Canada, and granted power and authority to the Parliament of Canada to legislate for the future welfare and good government of these Territories.

That by the British North America Act, 1871, the Parliament of Canada was further given power from time to time to make provision for the administration, peace, order and good government of any territory not for the time being included in any province ;

That under the several authorities so given the Parliament of Canada has created political institutions in these Territories bearing a close analogy to those which exist in the several provinces of the Dominion ;

That by the Confederation compact, the provinces which formed the Dominion on the fifteenth day of July, 1870, were furnished with the means of carrying on local self-government upon certain well-defined bases :

That the Territories, being an integral part of the Dominion, and having had imposed upon them the duties and obligations incidental to the political institutions which have been given to them, and which said duties and obligations the Parliament of Canada has declared its willingness to assume, are entitled to such federal assistance for their maintenance as will bear due proportion and analogy to that given to other portions of the Dominion for similar purposes ;

That repeated representations have been made in various ways to the Government of Canada with a view to obtaining just and equitable financial assistance towards providing for the proper and effective administration of local affairs in the Territories, and for the public necessities of their rapidly increasing population ;

That such representations have been met by intermittent and insufficient additions to the annual grant, the provision so made by the Parliament of Canada never bearing any adequate proportion to the financial obligations imposed by the enlargement and development of the political institutions created by itself ;

That it is desirable that a basis should be established upon which the claims of the Territories to suitable financial recognition may be settled and agreed upon ;

That we do therefore most humbly pray that Your Excellency will be graciously pleased to cause the fullest enquiry to be made into the position of the territories, financial and otherwise, and to cause such action to be taken as will provide for their present and immediate welfare and good government, as well as the due fulfillment of the duties and obligations of government and legislation, assumed, with respect to these territories, by the Parliament of Canada ;

And furthermore that, by the British North America Act, 1871, it was (amongst other things) enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of * * * such province, we do therefore most humbly pray that Your Excellency will be also graciously pleased to order enquiries to be made and accounts taken with a view to the settlement of the terms and conditions upon which the territories or any part thereof shall be established as a province, and that, before any such province is established, opportunity should be given to the people of the Territories through their accredited representatives, of considering and discussing such terms and conditions.

All which we humbly pray Your Excellency to take into Your Excellency's most gracious and favourable consideration.

WM. EAKIN.
Speaker of the Legislative Assembly
of the North-west Territories.

Legislative Assembly Chambers,
Regina, N.W.T., May 2, 1900.

(Telegram.)

REGINA, N.W.T., December 16, 1900.

Right Hon. Sir WILFRID LAURIER,
Ottawa.

Have just noticed that seven words at end of paragraph twenty-two, draft bill, were inserted through clerical error, kindly strike them out and substitute one million three hundred and ninety-six thousand and ninety-one, after which there shall be no further increase.

F. W. G. HAULTAIN.

GOVERNMENT HOUSE,
REGINA, July 20, 1900.

The Honourable
The Secretary of State,
Ottawa, Ont.

I have the honour to transmit herewith for submission to His Excellency the Governor General, an Address passed by the Legislative Assembly of the Territories on the second day of May last, signed by the Speaker.

A. E. FORGET,
Lieutenant Governor.

To His Excellency the Right Honourable Sir Gilbert John Elliott Murray-Kynnymond, Earl of Minto, and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the North-west Territories of Canada, in session assembled, humbly approach Your Excellency for the purpose of representing :—

That by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed and as the Queen should think fit to approve, subject to the provisions of the said Act ;

That by an Address from the Houses of the Parliament of Canada, Her Majesty was prayed to unite Rupert's Land and the North-western Territory with the Dominion of Canada ;

That in order to further the petition of the Parliament of Canada, Her Majesty, under the authority of the Rupert's Land Act, 1868, accepted a surrender from the Governor and Company of Adventurers of England, trading into Hudson's Bay, of all the lands, territories, rights, privileges, liberties, franchises, powers and authorities whatsoever granted or purported to be granted by certain Letters Patent, therein recited, to the said company in Rupert's Land ;

That in the said Address it was represented to Her Majesty, as a reason for the extension of the Dominion of Canada westward, that the welfare of the population of these Territories would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which existed in the several Provinces then forming the Dominion.

That the Houses of the Parliament of Canada by their said Address expressed to Her Majesty their willingness to assume the duties and obligations of government and legislation as regards these Territories.

That in pursuance and exercise of the powers vested in the Queen by the aforesaid Acts, Her Majesty, by and with the advice of Her Most Honourable Privy Council, ordered and declared that from and after the fifteenth day of July, 1870, Rupert's Land and the North-western Territory should be admitted into and become part of the Dominion of Canada, and granted power and authority to the Parliament of Canada to legislate for the future welfare and good government of the Territories.

That by the British North America Act 1871 the Parliament of Canada was further given power from time to time to make provision for the administration, peace, order and good government of any territory not for the time being included in any province ;

That under the several authorities so given the Parliament of Canada has created political institutions in these Territories bearing a close analogy to those which exist in the several provinces of the Dominion ;

That by the Confederation compact the provinces which formed the Dominion on the fifteenth day of July, 1870, were furnished with the means of carrying on local self government upon certain well defined bases ;

That the Territories being an integral part of the Dominion, and having had imposed upon them the duties and obligations incidental to the political institutions which have been given to them, and which said duties and obligations the Parliament of Canada has declared its willingness to assume, are entitled to such federal assistance for their maintenance as will bear due proportion and analogy to that given to other portions of the Dominion for similar purposes ;

That repeated representations have been made in various ways to the Government of Canada with a view to obtaining just and equitable financial assistance towards providing for the proper and effective administration of local affairs in the Territories, and for the public necessities of their rapidly increasing population ;

That such representations have been met by intermittent and insufficient additions to the annual grant, the provision so made by the Parliament of Canada never bearing any adequate proportion to the financial obligations imposed by the enlargement and development of the political institutions created by itself ;

That it is desirable that a basis should be established upon which the claims of the Territories to suitable financial recognition may be settled and agreed upon ;

That we do therefore most humbly pray that Your Excellency will be graciously pleased to cause the fullest enquiry to be made into the position of the Territories, financial and otherwise, and to cause such action to be taken as will provide for their present immediate welfare and good government, as well as the due fulfillment of the duties and obligations of government and legislation, assumed, with respect to these Territories, by the Parliament of Canada ;

And furthermore that, by the British North America Act, 1871, it was (amongst other things) enacted that the Parliament of Canada may from time to time establish new provinces in any Territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of * * * such province, we do therefore most humbly pray that Your Excellency will be also graciously pleased to order enquiries to be made and accounts taken with a view to the settlement of the terms and conditions upon which the Territories or any part thereof shall be established as a province, and that, before any such province is established, opportunity should be given to the people of the Territories, through their accredited representatives, of considering and discussing such terms and conditions.

All which we humbly pray Your Excellency to take into Your Excellency's most gracious and favourable consideration.

WM. EAKIN,
Speaker of the Legislative Assembly
of the North-west Territories.

DEPARTMENT OF JUSTICE,
OTTAWA, January 20, 1898.

To His Excellency
The Governor General in Council :

In acknowledging the receipt of a reference from the Honourable the Privy Council, dated January 18, 1897, transmitting a certified copy of a resolution adopted by the Legislative Assembly of the North-west Territories on the 9th day of December, 1897, the undersigned begs to state that this matter does not appear to call for any advice by the undersigned, and the reference may, therefore, be marked off.

DAVID MILLS,
Minister of Justice.

NORTH-WEST TERRITORIES,
GOVERNMENT HOUSE,
REGINA, January 11, 1898.

The Honourable
The Secretary of State,
Ottawa.

I have the honour to forward you, herewith, for submission to His Excellency the Governor in Council, a certified copy (in duplicate) of a Resolution adopted by the Legislative Assembly on the ninth day of December, 1897, in reference to the composition of the North-west Territories.

HUGH RICHARDSON,
Administrator, N.W.T.

CERTIFIED copy of Resolution adopted by the Legislative Assembly of the North-west Territories on the 9th day of December, 1897 :

Resolved, That, in the opinion of this House the North-west Territories, as they are at present composed, should be maintained intact for administrative purposes, until the time has arrived for their entrance into Confederation as a province.

R. B. GORDON,
Clerk Legislative Assembly,
North-west Territories.

SESSIONAL PAPER No. 116

CITY OF CALGARY, COUNCIL CHAMBER,
CALGARY, ALTA., February 2, 1897.

Moved by Alderman Ramsay—
Seconded by Alderman McTavish—

And Resolved, that in the opinion of this Council it is desirable, in fact imperative, that some change should be made in the form of Government now in force in that part of western Canada lying between the provinces of Manitoba and British Columbia known as the North-west Territories of Canada, and a readjustment of the boundaries made.

And, we believe, that the material interest and prosperity of the said districts would be best promoted and the multiplication of Governments avoided by adding that portion of Assiniboia lying between the province of Manitoba and the third meridian to Manitoba, and erecting the remainder of Assiniboia, Alberta and Saskatchewan into one Governmental District with Provincial powers.

Carried :

WESLEY F. ORR,
Mayor.

C. McMINAS,
Clerk.